

EXHIBIT E

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March 7, 2025

VIA MDL CENTRALITY, CERTIFIED MAIL, AND EMAIL

Re: MDL 3084 – Order re Withdrawal of Counsel in Case No. 3:24-CV-05719-CRB, MDLC ID 2246

Dear K.B.,

We write on behalf of our client, Uber Technologies Inc. (“Uber”), regarding *K.B. v. Uber Technologies, Inc., et al.*, 3:24-CV-05719-CRB, MDLC ID 2246, which you filed in *In re Uber Technologies, Inc. Passenger Sexual Assault Litigation*, 3:23-md-03084-CRB (“the MDL”). On January 30, 2025, Peiffer Wolf Carr Kane Conway and Wise, LLP moved to withdraw its representation of you on the grounds that you “failed to cooperate and establish positive communication with Peiffer Wolf.” *K.B.*, No. 3:24-CV-05719-CRB, ECF 7 at 2 (Exhibit 1). On March 3, 2025, the Court granted that motion. *K.B.*, No. 3:24-CV-05719-CRB, ECF 8 at 1 (Exhibit 2). It is our understanding that you have not found replacement counsel and are no longer represented by an attorney. If that understanding is incorrect, please provide this communication to your attorney, and have your attorney contact us via the information provided above or below as soon as possible.

The Court’s Order states that “Within 28 days of this order, [the] plaintiff shall file a notice indicating whether they intend to pursue the action with new counsel or representing themselves. If [the] plaintiff does not file that notice, the Court will dismiss their case without prejudice.” Exhibit 2 at 1. The Court also ordered Uber’s counsel to “provide a copy of this order to the plaintiff[.]” *Id.* The Court’s Order is attached to this correspondence as Exhibit 2. Per this Order, you must “file a notice indicating whether [you] intend to pursue the action with new counsel or representing [yourself]” within 28 days of March 3, 2025, i.e. by Monday, March 31, 2025, or else “the Court will dismiss [your] case without prejudice.”

We ask that you please email us confirmation of your receipt of this letter, via email to ksmith@paulweiss.com, lmurray@paulweiss.com, and ldugre@paulweiss.com, at your earliest opportunity. If you would like to discuss the letter’s contents further, please let us know, and we would be happy to organize a meet and confer.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

K.B.

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Sincerely,

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

By: /s/ Kyle Smith

Kyle Smith
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EXHIBIT 1

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Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
 PASSENGER SEXUAL ASSAULT
 LITIGATION

MDL No. 3084 CRB

**NOTICE OF MOTION AND MOTION TO
 WITHDRAW AS COUNSEL FOR
 PLAINTIFF K.B.**

This Document Relates to:

Honorable Charles R. Breyer

K.B. v. Uber Technologies, Inc., et al;
 3:24-cv-05719-CRB

**NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL FOR
 PLAINTIFF K.B.**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD, PLEASE TAKE NOTICE
 that as soon hereafter as the matter may be heard, Peiffer Wolf Carr Kane Conway and Wise,
 LLP (“Peiffer Wolf”), counsel of record for Plaintiff K.B. (“Plaintiff”), moves this Court for an
 order permitting its withdrawal as counsel for Plaintiff.

This Motion is made pursuant to Local Rule 11-5(a) and C. This Notice of Motion &
 Motion is based on the below Memorandum in Support and the accompanying Declaration of
 Rachel B. Abrams (“Decl.”), attached hereto as Exhibit A. A Proposed Order is attached as

Exhibit B.

MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

Pursuant to Local Civil Rule 11-5(a) and California Rules of Professional Conduct 1.16(b)(4) and 1.16(d), Peiffer Wolf submits this Memorandum of Law in support of its Motion to Withdraw as Counsel for Plaintiff K.B. Peiffer Wolf respectfully requests the Court grant the Motion.

STATEMENT OF FACTS

Peiffer Wolf should be permitted to withdraw as counsel for Plaintiff. An attorney may withdraw from a case by obtaining an order from the court after reasonable advance written notice has been provided to the client and to all other parties. Civ. L.R. 11-5(a); *see also* Cal. Rules Prof. Conduct 1.16(d)(1).

Peiffer Wolf has given appropriate advance notice of its intent to withdraw to Plaintiff beginning on December 20, 2024 and culminating with final notice on January 8, 2025. Decl. ¶¶ 4(f-j). Peiffer Wolf has also given Uber advance notice. Decl. ¶ 6. Peiffer Wolf has taken all possible steps to avoid prejudice to Plaintiff by explaining to her the possible consequences of failing to contact Peiffer Wolf or meet discovery deadlines. Decl. ¶¶ 4(a-j). Peiffer Wolf also submitted the limited information Peiffer Wolf did have and, upon receiving deficiencies due to not having required signatures and information from Plaintiff, corresponded with Uber to set up Meet & Confer processes to address her case as it attempted to try to reach her. Decl. ¶¶ 4(d); 5-6. Despite those efforts, Plaintiff failed to cooperate and establish positive communication with Peiffer Wolf. Peiffer Wolf has thus taken all reasonable steps to avoid foreseeable prejudice to Plaintiff. Decl. ¶ 8.

Under California Rule of Professional Conduct 1.16(b)(4), a lawyer may withdraw from a case if “the client ... renders it unreasonably difficult for the lawyer to carry out the representation effectively.” Here, Plaintiff rendered it unreasonably difficult for Peiffer Wolf to carry out the representation effectively by failing to communicate with Peiffer Wolf and failing to provide information required to prosecute her case, despite requests from Peiffer Wolf. Decl. ¶¶ 4(a-j). Peiffer Wolf has been unable to meet discovery deadlines in this case because, for

example, the Plaintiff Fact Sheet requires Plaintiff's input and verification. Moreover, pursuant to this Court's Order Resolving Dispute Regarding Obligations Under Pretrial Order No. 10 (Dkt 1877), "will supplement" responses in a Plaintiff Fact Sheet are deficient, and Plaintiff has continuously failed to provide her counsel with employment and medical history. Peiffer Wolf submitted all information available in the Plaintiff Fact Sheet, but could not obtain Plaintiff's signatures on required authorizations and verifications. Therefore, Plaintiff's conduct falls into the express terms of Rule 1.16 regarding permissive withdrawal.

Because this motion is not accompanied by a substitution of counsel or an agreement by Plaintiff to proceed *pro se*, Peiffer Wolf agrees to the condition imposed by Local Rule 11-5(b) to serve Plaintiffs with all papers in this matter, unless or until Plaintiff appears *pro se*, other counsel appears on Plaintiff's behalf, or upon further order of the Court. Decl. ¶ 9.

CONCLUSION

Peiffer Wolf respectfully requests that the Court enter an order terminating its representation of Plaintiff and allowing Plaintiff 30 days to retain new counsel.

Dated: January 30, 2025

Respectfully submitted,

By: /s/ Rachel B. Abrams

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2025, I electronically transmitted the foregoing to the Clerk's Office using the CM/ECF System for filing thereby transmitting a Notice of *Electronic* Filing to all CM/ECF registrants.

/s/ Rachel B. Abrams
Rachel B. Abrams

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084

**ORDER GRANTING MOTIONS TO
WITHDRAW**

This Order Relates To:

See Attachment

Re: Dkt. Nos. 2109, 2110, 2112, 2173,
2175, 2176, 2178, 2179, 2180

The above captioned motions to withdraw are granted. Within 28 days of this order, each plaintiff shall file a notice indicating whether they intend to pursue the action with new counsel or representing themselves. If any plaintiff does not file that notice, the Court will dismiss their case without prejudice.

Uber's counsel shall provide a copy of this order to the plaintiffs and file a declaration within 7 days of this ruling explaining how they did so.

IT IS SO ORDERED.

Dated: March 3, 2025



CHARLES R. BREYER
United States District Judge

ATTACHMENT

This Order relates to:

S.H. v. Uber, Inc.,
Case No. 3:24-cv-07156-CRB

B.S. v. Uber, Inc.,
Case No. 3:24-cv-06948-CRB

C.S. v. Uber, Inc.,
Case No. 3:24-cv-06923-CRB

Jane Doe EB 22 v. Uber, Inc.,
Case No. 3:24-cv-05245-CRB

Naccarato v. Uber, Inc.,
Case No. 3:24-cv-05312-CRB

Jane Doe EB 19 v. Uber, Inc.,
Case No. 3:24-cv-05217-CRB

Jane Doe EB 10 v. Uber, Inc.,
Case No. 3:24-cv-05197-CRB

K.B. v. Uber, Inc.,
Case No. 3:24-cv-05719-CRB

D.M.S. v. Uber, Inc.,
Case No. 3:24-cv-05606-CRB